UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

C.A. No. 04-10373-REK

EARTHSOURCE, INC.,

Plaintiff

V.

THE TOWN OF RAYNHAM, GORDON D. LUCIANO, DONALD L. MCKINNON, RAYMOND W. PLATT, individually & as members of the Raynham Board of Health,

Defendants

LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE

Now comes the undersigned defense counsel, and hereby certifies she conferred, via letter with the plaintiff's counsel of record on August 24, 2004, as well as subsequent telephone calls, in a good faith effort to resolve or narrow the issues set forth in Defendants' Partial Motion For Judgment on the Pleadings on Count IV of the Complaint Pursuant to Fed.R.Civ.P.12(c) but the parties were unable to reach agreement prior to the filing of the motion.

DEFENDANTS,

By their attorneys,

Mark R. Reich (BBO #553212)

Joseph L. Tehan, Jr. (BBO# 494020)

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CERTIFICATE OF SERVICE

thereby certify that a true copy of the above document was served upon the attorney of record for each other party by (hand) (mail) on